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Filing date: **07/22/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210283
Party	Plaintiff Blue Cross and Blue Shield Association
Correspondence Address	Garner K. Weng Hanson Bridgett LLP 425 Market Street, 26th Floor San Francisco, CA 94105 UNITED STATES ttabfilings@hansonbridgett.com, soneill@hansonbridgett.com, gweng@hansonbridgett.com, cwalters@hansonbridgett.com
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Signature	/Garner K. Weng/
Date	07/22/2013
Attachments	Smart Guard - Stip to Amend App.pdf(75393 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN RE: APPLICATION SERIAL NO. 85/643,431

BLUE CROSS AND BLUE SHIELD
ASSOCIATION,

Opposer,

v.

JERRY R. CARNAHAN INSURANCE
AGENCY, INC.,

Applicant.

Opposition No. 91210283

**STIPULATION TO AMEND APPLICATION
AND DISMISS OPPOSITION**

Based upon the stipulation of the parties, Applicant Jerry R. Carnahan Insurance Agency, Inc. states on the record that, "The application and any resulting registration exclude the color blue (or any color with the commercial impression of the color blue) within or as part of the shield portion of the mark."

Further, based upon the stipulation of the parties, Applicant requests that the Board amend the Application as follows:

1. Applicant requests that the drawing page of the Application be replaced in its entirety with the drawing page in the attached Exhibit A.
2. Applicant requests that the "Description" section of the Application be replaced in its entirety with the following text:

Color is not claimed as a feature of the mark. The mark consists of a shield. In the center of the shield is a circle with the letter "C" around the circle. Inside the circle is a lowercase "i". The entire shield is centered between the words "Smart" and "Guard." The wording "CARNAHAN INSURANCE" appears above the shield.

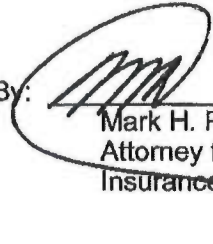
3. Applicant requests the following statement be added to the "Miscellaneous Statement" section of the Application:

The application and any resulting registration exclude the color blue (or any color with the commercial impression of the color blue) within or as part of the shield portion of the mark.

It is further stipulated that, provided that the above-stated amendment is accepted, Blue Cross and Blue Shield Association hereby dismisses this Opposition proceeding without prejudice, with the parties to bear their own fees and costs.

Dated: 6/27/13

Respectfully submitted,
PLAGER SCHACK LLP

By: 
Mark H. Plager
Attorney for Jerry R. Carnahan
Insurance Agency, Inc.

Dated: 7/22/13

HANSON BRIDGETT LLP

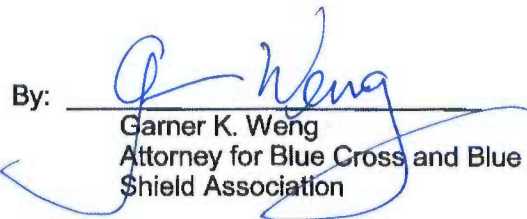
By: 
Garner K. Weng
Attorney for Blue Cross and Blue
Shield Association

EXHIBIT A



CERTIFICATE OF SERVICE

I, Laura Prongos, hereby certify that a true and complete copy of the foregoing STIPULATION TO APPLICANT'S VOLUNTARY WITHDRAWAL OF APPLICATION AND OPPOSER'S DISMISSAL OF OPPOSITION was served on the parties listed below by mailing said copies on July 22, 2013 via U.S. First Class Mail, postage pre-paid to:

Applicant's Attorney/Correspondent of Record:

Mark H. Plager
Plager Schack LLP
161 Beach Blvd., Suite 207
Huntington Beach, CA 92647

Dated: July 22, 2013

/s/ Laura Prongos

Laura Prongos